

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES,

Vs.

LINDA K. SHAFFER,

)
)
)
)
)

CRIMINAL NO. A04 CR 266 LY - 04 MJ 0934PC

DEFENDANT SHAFFER'S MOTION TO ALLOW HER
TO TRAVEL OUT OF STATE FOR HOLIDAY

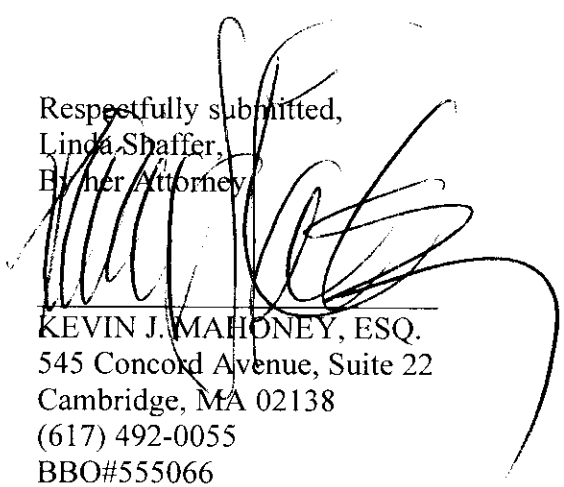
Now comes the Defendant in the above-entitled matter and moves this Honorable Court to allow her to travel to Florida, U.S.A. for the Christmas Holiday. Specifically, the Defendant asks this Court's permission to fly to Florida on 20 December 2004 and to return to Massachusetts from Florida on 27 December 2004. As reasons therefore, the Defendant states:

1. Her mother, Adelheid Olivier currently resides at 24026 Northwest 126 Lane, Hydesprings, Florida. Ms. Olivier's telephone number is (386) 454-2462.
2. The Defendant was diagnosed with HIV in 1992. The drug "cocktail" that had kept the virus at bay is losing its effectiveness. The Defendant's health is in decline. Beginning in early January 2005, the Defendant anticipates participating in experimental drug treatment. It is unknown if this experimental treatment will prolong her health and life. This may be the last Christmas holiday that the Defendant will be able to spend with her mother.
3. The Defendant would travel to Florida with her seven-year-old daughter. She will be staying at Disney's Dolphin Resort from 20 December 2004 through 22 December 2004. For the balance of the trip, the Defendant and her daughter will be staying at her mother's residence.
4. There is no Court event currently scheduled with which the proposed travel would interfere.
5. The Defendant has surrendered, to Pre-trial Services, her U.S. passport. The Defendant has well understood, since April of 2004, that she was the subject of a Federal investigation. Through Counsel, the Defendant has maintained consistent pre-indictment contact with both Roy P. Strucker, Senior Special Agent of the U.S. Food and Drug Administration Office of Criminal Investigations and Assistant United States Attorney Michelle McElroy.
6. Assistant U.S. Attorney Michelle McElroy has informed Counsel that she has no objection to the Defendant traveling to Florida if pre-trial services approves the same.

Conversely, she has informed me that if pre-trial services does object, she opposes the Defendant's plan to travel to Florida.

7. David A. Picozzi is the Defendant's U.S. Pretrial Services Officer. He informed Counsel, on 15 December 2004, that he does not object to the Defendant traveling to Florida for the Christmas holiday for and during the period specified above.
8. A copy of this motion was e-mailed to Assistant U.S. Attorney McElroy on 15 December 2004.
9. The Defendant anticipates flying on Northwest Airlines to Florida and Delta Airlines on the return flight to Boston.

Respectfully submitted,
Linda Shaffer,
By her Attorney



KEVIN J. MAHONEY, ESQ.
545 Concord Avenue, Suite 22
Cambridge, MA 02138
(617) 492-0055
BBO#555066

Dated: 12-15-04

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this motion on the government by mail, e-mail and/or in hand to: A.U.S.A. Michelle McElroy and to A.U.S.A. Jeremy Sternberg this 15th day of December 2004.



KEVIN J. MAHONEY